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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
CENTRAL DISTRICT

BRANDON STEVENSON.

Plaintiff.

V.

LAMONT NASH, SUZANNE PORTILLO AND DOES 1 THROUGH 10, INCLUSIVE,

Defendants.

2:24-cv-11112-ODW(RAOx)

**ANSWER BY DEFENDANTS
LAMONT NASH, SUZANNE
PORTILLO TO COMPLAINT
AND DEMAND FOR JURY
TRIAL**

Complaint served: January 28, 2025

Courtroom: 5D

Judge: The Honorable Otis D.
Wright, II

Trial Date: Not set
Action Filed: January 2, 2025

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
COME NOW Defendants, LAMONT NASH and SUZANNE PORTILLO
and by this Answer to the Complaint, admit, deny, and allege as follows:

INTRODUCTION

1. Answering paragraph 1 of the complaint, answering defendants admit this lawsuit arises out of the officer involved shooting of plaintiff Brandon Stevenson on July 4, 2021. Answering defendant denies each and every remaining allegation of said paragraph and any inferences that may be drawn therefrom.

JURISDICTION AND VENUE

2. Answering paragraph 2 of the complaint, said paragraph contains conclusions of law which do not require an answer.

3. Answering paragraph 3 of the complaint, said paragraph contains conclusions of law which do not require an answer. To the extent that paragraph 3 may be deemed to require an answer, answering defendant admits that the incidents, events, and occurrences giving rise to this action occurred in the district. Answering defendants object to the allegation that they as California Highway Patrol (CHP) officers “reside in this district” on the ground that such information is confidential pursuant to the official information privilege and California Penal Code sections 832.7 and 832.8, and, on that basis, denies those allegations and any inferences that may be drawn therefrom.

PARTIES

4. Answering defendant lacks sufficient knowledge or information from which to form a belief as to the truth of plaintiff's allegations in paragraph 4 of the complaint, and, on that basis, denies those allegations and any inferences that may be drawn therefrom.

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1 5. Answering paragraph 5 of the complaint, answering defendant,
2 LAMONT NASH admits that he is, and at all times relevant to this action, was, an
3 employee of the CHP acting within the course and scope of his employment with
4 the CHP. Answering defendant, NASH denies each and every remaining allegation
5 of said paragraph and any inferences that may be drawn therefrom.

6 6. Answering paragraph 6 of the complaint, answering defendant,
7 SUZANNE PORTILLO admits that she is, and at all times relevant to this action,
8 was, an employee of the CHP acting within the course and scope of her
9 employment with the CHP. Answering defendant, PORTILLO denies each and
10 every remaining allegation of said paragraph and any inferences that may be drawn
11 therefrom.

12 7. Answering paragraph 7 of the complaint, answering defendant lacks
13 sufficient knowledge or information from which to form a belief as to the truth of
14 plaintiff's allegations in paragraph 7 of the complaint, and, on that basis, denies
15 those allegations and any inferences that may be drawn therefrom.

16 8. Answering paragraph 8 of the complaint, answering defendant lacks
17 sufficient knowledge or information from which to form a belief as to the truth of
18 plaintiff's allegations in paragraph 8 of the complaint, and, on that basis, denies
19 those allegations and any inferences that may be drawn therefrom.

20 9. Answering paragraph 9 of the complaint, answering defendant lacks
21 sufficient knowledge or information from which to form a belief as to the truth of
22 plaintiff's allegations in paragraph 9 of the complaint, and, on that basis, denies
23 those allegations and any inferences that may be drawn therefrom.

24 10. Answering paragraph 10 of the complaint, answering defendant lacks
25 sufficient knowledge or information from which to form a belief as to the truth of
26 plaintiff's allegations in paragraph 10 of the complaint, and, on that basis, denies
27 those allegations and any inferences that may be drawn therefrom.

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1 11. Answering paragraph 11 of the complaint, said paragraph contains
2 conclusions of law which do not require an answer. To the extent that paragraph 11
3 may be deemed to require an answer, answering defendant lacks sufficient
4 knowledge or information from which to form a belief as to the truth of plaintiff's
5 remaining allegations in paragraph 11 of the complaint, and, on that basis, denies
6 those allegations and any inferences that may be drawn therefrom.

7 12. Answering paragraph 12 of the complaint, said paragraph contains
8 conclusions of law which do not require an answer.

9 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

10 13. Answering paragraph 13 of the complaint, answering defendant
11 reasserts and incorporates by this reference its responses to paragraphs 1 through
12, inclusive, as though fully set forth at length herein.

13 14. Answering paragraph 14 of the complaint, answering defendants admit
14 that the incident giving rise to this lawsuit occurred on July 4, 2021, in the City of
15 Pasadena, California and was initiated when defendants attempted to pullover
16 plaintiff's speeding two-door Infinity on the 210 Freeway. Answering defendants
17 deny each and every remaining allegation in paragraph 14 of the complaint and any
18 inferences that may be drawn therefrom.

19 15. Answering paragraph 15 of the complaint, answering defendants admit
20 that they and another CHP officer were in pursuit of plaintiff's vehicle southbound
21 on Glendale Blvd. and southbound on the 101 freeway. Answering defendant
22 denies each and every remaining allegation in paragraph 15 of the complaint and
23 any inferences that may be drawn therefrom.

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1 16. Answering paragraph 16 of the complaint, answering defendants admit
2 they continued to pursue plaintiff's vehicle until it reached East Commercial Street.
3 Defendants admit they each exited their respective patrol vehicles at that location.
4 Answering defendant lacks sufficient knowledge or information from which to
5 form a belief as to the truth of the remainder of plaintiff's allegations in paragraph
6 16 of the complaint and, on that basis, denies those allegations and any inferences
7 that may be drawn therefrom.

8 17. Answering paragraph 17 of the complaint answering defendants admit
9 they discharged their firearms as plaintiff drove his vehicle towards answering
10 defendants. Answering defendants lack sufficient knowledge or information from
11 which to form a belief as to the truth of plaintiff's allegations in paragraph 17 of the
12 complaint and, on that basis, deny those allegations and any inferences that may be
13 drawn therefrom.

14 18. Answering paragraph 18 of the complaint answering defendant NASH
15 admits he discharged his firearm approximately four times as plaintiff drove his
16 vehicle towards answering defendants. Answering defendant PORTILLO admits
17 she discharged her firearm approximately eight times as plaintiff drove his vehicle
18 towards answering defendants. Answering defendants deny each and every
19 remaining allegation of said paragraph and any inferences that may be drawn
20 therefrom.

21 19. Answering defendants lack sufficient knowledge or information from
22 which to form a belief as to the truth of plaintiff's allegations in paragraph 19 of the
23 complaint and, on that basis, deny those allegations and any inferences that may be
24 drawn therefrom.

25 20. Answering defendants deny each and every allegation in paragraph 20 of
26 the complaint and any inferences that may be drawn therefrom.

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1 21. Answering defendants deny each and every allegation in paragraph 21 of
2 the complaint and any inferences that may be drawn therefrom.

3 22. Answering defendants lack sufficient knowledge or information from
4 which to form a belief as to the truth of plaintiff's allegations in paragraph 22 of the
5 complaint and, on that basis, deny those allegations and any inferences that may be
6 drawn therefrom.

7 23. Answering defendants lack sufficient knowledge or information from
8 which to form a belief as to the truth of plaintiff's allegations in paragraph 23 of the
9 complaint and, on that basis, deny those allegations and any inferences that may be
10 drawn therefrom.

FIRST CLAIM FOR RELIEF

Fourth Amendment – Excessive Force (42 U.S.C. § 1983)

13 (By all Plaintiff against Defendants, NASH, PORTILLO and DOE OFFICERS)

14 24. Answering paragraph 24 of the complaint, answering defendants
15 reassert and incorporate by this reference their responses to paragraphs 1 through
16 23, inclusive, as though fully set forth at length herein.

17 25. Answering paragraph 25 of the complaint, answering defendants admit
18 that they were acting under the color of state law at all relevant times.

19 26. Answering paragraph 26 of the complaint, answering defendants admit
20 that they were acting in the course and scope of their duties when they each
21 discharged their respective service firearms as plaintiff drove his rapidly moving
22 vehicle towards them. Answering defendants deny each and every remaining
23 allegation in paragraph 26 of the complaint and any inferences that may be drawn
24 therefrom.

25 27. Answering defendants deny each and every allegation in paragraph 27
26 of the complaint and any inferences that may be drawn therefrom.

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1 28. Answering defendants lack sufficient knowledge or information from
2 which to form a belief as to the truth of plaintiff's allegations in paragraph 28 of the
3 complaint and, on that basis, deny those allegations and any inferences that may be
4 drawn therefrom.

5 29. Answering defendants deny each and every allegation in paragraph 29
6 of the complaint and any inferences that may be drawn therefrom.

7 30. Answering defendants deny each and every allegation in paragraph 30
8 of the complaint and any inferences that may be drawn therefrom.

9 31. Answering defendants deny each and every allegation in paragraph 31 of
10 the complaint and any inferences that may be drawn therefrom.

32. Answering defendants lack sufficient knowledge or information from which to form a belief as to the truth of plaintiff's allegations in paragraph 32 of the complaint and, on that basis, deny those allegations and any inferences that may be drawn therefrom.

SECOND CLAIM FOR RELIEF

Unreasonable Search and Seizure – Denial of Medical Care (42 U.S.C. § 1983)

17 (By all Plaintiff against Defendants, NASH, PORTILLO and DOE OFFICERS)

18 33. Answering paragraph 33 of the complaint, answering defendants
19 reassert and incorporate by this reference their responses to paragraphs 1 through
20 32, inclusive, as though fully set forth at length herein.

21 34. Answering paragraph 34 of the complaint, answering defendants admit
22 that they were acting under the color of state law.

23 35. Answering defendant lacks sufficient knowledge or information from
24 which to form a belief as to the truth of plaintiff's allegations in paragraph 35 of the
25 complaint because the allegations refer to a "DECEDENT" and, on that basis, deny
26 those allegations and any inferences that may be drawn therefrom.

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36. Answering defendants deny each and every allegation in paragraph 36 of the complaint and any inferences that may be drawn therefrom.

37. Answering defendants lacks sufficient knowledge or information from which to form a belief as to the truth of plaintiff's allegations in paragraph 37 of the complaint and, on that basis, deny those allegations and any inferences that may be drawn therefrom.

38. Answering defendants deny each and every allegation in paragraph 38 of the complaint and any inferences that may be drawn therefrom.

39. Answering defendants deny each and every allegation in paragraph 39 of the complaint and any inferences that may be drawn therefrom.

40. Answering defendants lack sufficient knowledge or information from which to form a belief as to the truth of plaintiff's allegations in paragraph 40 of the complaint and, on that basis, deny those allegations and any inferences that may be drawn therefrom.

Allegations in Prayer

Answering the allegations in the Prayer of the COMPLAINT, Defendants deny that Plaintiff is entitled to any of the requested relief.

Any allegations in the COMPLAINT not addressed above are denied.

AFFIRMATIVE DEFENSES

AS SEPARATE AND AFFIRMATIVE DEFENSES, answering Defendants
allege as follows:

AFFIRMATIVE DEFENSE NO. 1:

The COMPLAINT and each cause of action fail to make allegations sufficient to constitute a claim for relief against these answering Defendants.

AFFIRMATIVE DEFENSE NO. 2:

The COMPLAINT and each cause of action are barred by the two-year statute of limitations of California Code of Civil Procedure section 335.1.

1 **AFFIRMATIVE DEFENSE NO. 3:**

2 There is no imputed liability between public officers in actions under the
3 Federal Civil Rights Act. There is no vicarious liability under the Federal Civil
4 Rights Act.

5 **AFFIRMATIVE DEFENSE NO. 4:**

6 Defendants are entitled to qualified immunity. Defendants acted, at all times
7 herein relevant, in good faith, with due care, within the scope of discretion, and
8 pursuant to laws, regulations, rules, and practices reasonably believed to be in
9 accordance with the Constitution and laws of the United States. There is no
10 liability pursuant to the Federal Civil Rights Act where one acts in good faith and
11 entertains an honest, reasonable belief that one's actions are in accord with the
12 clearly-established law. *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

13 **AFFIRMATIVE DEFENSE NO. 5:**

14 Any and all alleged happenings and events, damages, and injuries, if any there
15 were, were proximately caused and/or contributed to by the negligence or other
16 wrongful conduct of Plaintiff who failed to exercise ordinary and reasonable care
17 for his own safety and welfare and for the safety and welfare of others at the times
18 and places alleged in the COMPLAINT. Such negligence or other wrongful
19 conduct bars and/or reduces Plaintiff's recovery in proportion to the negligence and
20 fault of Plaintiff.

21 **AFFIRMATIVE DEFENSE NO. 6:**

22 Any damages or injuries sustained by Plaintiff were proximately caused and/or
23 contributed to by the negligence or other wrongful conduct of persons and entities
24 other than these Defendants, in violation of the duty of such persons and entities to
25 exercise ordinary and reasonable care for the safety of others. Defendants therefore
26 allege that any and all damages awarded herein should be apportioned between all
27 responsible persons, entities, and parties pursuant to the doctrines of comparative
28 negligence/fault, total indemnity, and partial indemnity.

1 **AFFIRMATIVE DEFENSE NO. 7:**

2 Plaintiff willingly, voluntarily, and knowingly assumed each, every, and all of the
3 risks and hazards involved in the activities alleged in the COMPLAINT. Plaintiff's
4 action is therefore barred. **AFFIRMATIVE DEFENSE NO. 8:**

5 The damages alleged in the COMPLAINT herein are subject to a set-off either
6 partially or in full.

7 **AFFIRMATIVE DEFENSE NO. 9:**

8 At all relevant times, Plaintiff failed to mitigate injury and damages.

9 **AFFIRMATIVE DEFENSE NO. 10:**

10 The action is barred by the doctrines of laches and unreasonable delay in
11 bringing this action.

12 **AFFIRMATIVE DEFENSE NO. 11:**

13 The detention or arrest, if any there was, alleged in the COMPLAINT was
14 regular and lawful and made in good faith by a peace officer or peace officers
15 acting within the course and scope of authority and with reasonable cause to believe
16 at the time that such action was lawful.

17 **AFFIRMATIVE DEFENSE NO. 12:**

18 To the extent that any force was used in making the arrest or detention, if any
19 there was, alleged in the COMPLAINT, it was privileged and lawful as necessary to
20 effect arrest or detention, to prevent escape, and to overcome resistance.

21 **AFFIRMATIVE DEFENSE NO. 13:**

22 Pursuant to California Government Code section 985, any judgment entered
23 herein may be reduced for collateral source payments paid or obligated to be paid
24 for services or benefits that were provided prior to commencement of trial.

25 **AFFIRMATIVE DEFENSE NO. 14:**

26 Pursuant to California Government Code sections 962 and 984, any judgment
27 entered herein may be paid by periodic payments rather than in a lump sum.

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1 **AFFIRMATIVE DEFENSE NO. 15:**

2 Plaintiff is not entitled to any prejudgment interest pursuant to California Civil
3 Code Section 3291, since California Civil Code Section 3291 does not apply to a
4 public entity or to a public employee acting within the scope of employment.

5 **AFFIRMATIVE DEFENSE NO. 16:**

6 Should Defendants be found liable to Plaintiff, which liability is expressly
7 denied, any award for past medical expenses cannot exceed the amount paid by any
8 third party to Plaintiff's medical providers as full payment for the medical services
9 rendered.

10 **AFFIRMATIVE DEFENSE NO. 17:**

11 These answering Defendants will be entitled to reasonable attorney fees and
12 costs of suit upon prevailing within the meaning of 42 U.S.C. § 1988 and/or
13 California Code of Civil Procedure section 1038.

14 **WHEREFORE**, Defendants pray that:

- 15 1. Judgment be rendered in favor of Defendants and against Plaintiff;
- 16 2. Plaintiff takes nothing by the COMPLAINT;
- 17 3. Defendants be awarded attorneys' fees and costs of suit incurred herein;
18 and
- 19 4. Defendants be awarded such other and further relief as the Court may
20 deem necessary and proper.

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1 **DEMAND FOR JURY TRIAL**

2 Pursuant to Federal Rule of Civil Procedure 38(b) and Local Civil Rule 38.1,
3 Defendants hereby make a demand for a jury trial on any issue triable of right by a
4 jury.

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6 Dated: March 20, 2025

Respectfully submitted,

7 ROB BONTA
8 Attorney General of California
9 DONNA M. DEAN
10 Supervising Deputy Attorney General

11 */s/ David Klehm*

12 DAVID KLEHM
13 Deputy Attorney General

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DECLARATION OF SERVICE BY E-MAIL and U.S. MAIL

Case Name: **Stevenson v. Nash, et al.**
No.: **2:24-cv-11112-ODW(RAOx)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. My business address is: 600 West Broadway, Suite 1800, P.O. Box 85266, San Diego, CA 92186-5266. My electronic service address is Christine.Henson@doj.ca.gov. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 20, 2025, I served the attached

**ANSWER BY DEFENDANTS LAMONT NASH, SUZANNE PORTILLO TO
COMPLAINT AND DEMAND FOR JURY TRIAL**

by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Dale K. Galipo, Esq.
Hang Le, Esq.
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Attorney for Plaintiff

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 20, 2025, at San Diego, California.

C. Henson

Declarant


Signature